

**LOUISVILLE METRO COUNCIL
REGULAR MEETING
MARCH 27, 2008
6:00 PM
METRO COUNCIL CHAMBERS**

CALL TO ORDER: President King called the **March 27, 2008** Louisville Metro Council meeting to order at 6:00 PM. He asked all to rise and join in the Pledge Allegiance to the flag.

PRESIDENT KING: Madam Clerk, a roll call please.

ROLL CALL:

JUDY GREEN: YES
BARBARA SHANKLIN: EXCUSED ABSENCE
MARY WOOLRIDGE: YES
DAVID TANDY: YES
CHERI HAMILTON: YES
GEORGE UNSELD: YES
KEN FLEMING: YES
TOM OWEN: YES
TINA WARD-PUGH: YES
PRESIDENT JIM KING: YES
KEVIN KRAMER: YES
RICK BLACKWELL: YES
VICKI WELCH: YES
BOB HENDERSON: YES
MARIANNE BUTLER: YES
KELLY DOWNARD: YES
GLEN STUCKEL: YES
JULIE RAQUE ADAMS: YES
HAL HEINER: YES
STUART BENSON: YES
DAN JOHNSON: YES
ROBIN ENGEL: EXCUSED ABSENCE
JAMES PEDEN: YES
MADONNA FLOOD: EXCUSED ABSENCE
DOUG HAWKINS: YES
ELLEN CALL: YES@6:25pm

CLERK: There are 23 members YES. A quorum was established.

President King: Please cause the record to reflect that Councilwomen Shanklin and Flood, Councilman Engel have excused absences.

CLERK: So noted.

APPROVAL OF COUNCIL MINUTES

PRESIDENT KING: Thank you, Madam Clerk. Next, we have approval of Council minutes for the regular Council Meeting of March 13, 2008.

Are there any corrections or deletions? May I have a motion for approval?

COUNCILMAN JOHNSON: So moved.

COUNCILWOMAN WELCH: Second

PRESIDENT KING: I have a motion and a second. The minutes have been properly moved and seconded. All those in favor, say aye.

ALL: Aye
All those Opposed, like sign. The ayes have it.
Those minutes are approved as written.

APPROVAL OF COMMITTEE MINUTES:

PRESIDENT KING: Next we have approval of the following committee minutes:

Regular: Appropriations, NDFs and CIFs – March 20, 2008

Regular: Budget – March 19, 2008

Regular: Committee of the Whole – March 13, 2008

Regular: Committee on Committees – March 25, 2008

Regular: Contracts – March 17, 2008

Regular: Health and Human Needs – March 19, 2008

Regular: Labor & Economic Development – March 20, 2008

Regular: Oversight Committee on Government Accountability and Audit – March 12, 2008

Regular: Parks, Libraries, Zoo and Arts – March 17, 2008

Regular: Planning/Zoning, Land Design and Development – March 18, 2008

Regular: Public Safety – March 18, 2008

Regular: Rules, Ethics and Appointments – March 19, 2008

Regular: Transportation/Public Works – March 17, 2008

Are there any corrections or deletions?

COUNCILMAN JOHNSON: So moved.

PRESIDENT KING: Councilwoman Woolridge.

COUNCILWOMAN WOOLRIDGE: I'm not sure whether or not the special health and human needs committee will meet on Wednesday and I'm not sure that should be on agenda or not.

PRESIDENT KING: Madame Clerk, have the minutes been incorporated into the record? The special meeting?

CLERK HERRON: No ma'am. They are currently being transcribed.

COUNCILWOMAN WOOLRIDGE: Thank you.

PRESIDENT KING: Thank you for bringing that to our attention.
I think I heard a motion for approval from Councilman Johnson on this.

COUNCILWOMAN BUTLER: Second.

PRESIDENT KING: I have a motion and a second. All those in favor, say aye.

All: Aye

All those opposed. The ayes have it.

These minutes are approved as written.

INTRODUCTION OF PAGE:

PRESIDENT KING: Councilwoman Butler, would you introduce your page?

COUNCILWOMAN BUTLER: We have Andrea Blackburn, if she would stand. Andrea is my niece; she is a first grader at St. Nicholas, which is the Old Saint Simon and Jude. She enjoys swimming and she likes to travel, she likes to garden and color and when I asked her what she wants to be and she wants to be a first grade teacher because she loves first grade and she is looking forward to working tonight. I told her if you get too tired, you can go home. She said, no, I want to work. She is ready to work for us. So thank you, Andrea.

COMMUNICATIONS FROM THE MAYOR:

PRESIDENT KING: Madam Clerk, are there any communications from the mayor?

CLERK HERRON: Yes sir.

March 24, 2008

Mr. Jim King, President
Metro Council
601 West Jefferson Street
Louisville, KY 40202

Dear President King:

In accordance with the Louisville/ Jefferson County Metro Parks Advisory Commission Ordinance, I am reappointing Neville Blakemore III to the **Louisville/ Jefferson County Parks Advisory Commission**. This appointment will expire on December 31, 2010.

Your prompt action on this appointment is most appreciated.

Sincerely,

/s/ Jerry E. Abramson

Jerry E. Abramson
Mayor

JEA/set

cc: Councilman Ken Fleming enclosure
e-copy to MCC
Councilman George Unseld enclosure

March 24, 2008

Mr. Jim King, President
Metro Council
601 West Jefferson Street

Louisville, KY 40202

Dear President King:

In accordance with the Bardstown Road/Baxter Avenue Corridor Review Overlay District Committee Ordinance, I am appointing Nick Ising to the **Bardstown Road/Baxter Avenue Corridor Review Overlay District Committee**. This appointment will expire on March 31, 2011.

Your prompt action on this appointment is most appreciated.

Sincerely,

/s/ Jerry E. Abramson

Jerry E. Abramson
Mayor

JEA/set

cc: Councilman Ken Fleming enclosure
e-copy to MCC
Councilman George Unseld enclosure

PRESIDENT KING: These appointments are referred to the Rules, Ethics and Appointments committee for consideration.

CONSENT CALENDAR:

PRESIDENT KING: The next order of business is the Consent Calendar. The Consent Calendar comprises Items 15-41. Are there any additions or deletions?

Councilman Tandy?

COUNCILMAN TANDY: Mr. President, I would like Item 24 to move to Old Business.

PRESIDENT KING: Thank you. Without objection, Item 24 moves to Old Business.

24. O-43-03-08 AN ORDINANCE GRANTING A TELECOMMUNICATIONS SERVICES FRANCHISE TO ZAYO BANDWIDTH, INC. PURSUANT TO SECTION 116.70 ET SEQ. OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES [LMCO].

(Note: confusion over the number of the item was clarified by the President. Correct Item #24 was moved to Old Business without objection)

PRESIDENT KING: So let me for the record make sure everybody understands the consent calendar comprises items 17 through 23 and 25 through 33.

Madam Clerk, a second reading of those items.

Consent Calendar:

17. R-36-02-08 A RESOLUTION PURSUANT TO ORDINANCES 126 AND 127, SERIES 2007, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED NEW CONTRACT – K NORMAN BERRY ASSOCIATES ARCHITECTS, PLLC - \$200,000.00.

Status: On Council Agenda - Consent Calendar

Committee: Contracts
Primary Sponsor: Mary Woolridge

18. R-35-02-08 A RESOLUTION PURSUANT TO ORDINANCES 126 AND 127, SERIES 2007, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED NEW CONTRACT – BRAVURA CORPORATION - \$200,000.00.

Status: On Council Agenda - Consent Calendar
Committee: Contracts
Primary Sponsor: Mary Woolridge

19. R-33-02-08 A RESOLUTION PURSUANT TO ORDINANCES 126 AND 127, SERIES 2007, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED NEW CONTRACT – MATTINGLY ENGINEERS, LLC. - \$200,000.00.

Status: On Council Agenda - Consent Calendar
Committee: Contracts
Primary Sponsor: Mary Woolridge

20. R-32-02-08 A RESOLUTION PURSUANT TO ORDINANCES 126 AND 127, SERIES 2007, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED NEW CONTRACT – HERITAGE ENGINEERING, INC. - \$200,000.00.

Status: On Council Agenda - Consent Calendar
Committee: Contracts
Primary Sponsor: Mary Woolridge

21. R-31-02-08 A RESOLUTION PURSUANT TO ORDINANCES 126 AND 127, SERIES 2007, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED NEW CONTRACT – FULLER, MOSSBARGER, SCOTT & MAY ENGINEERS, INC. - \$200,000.00.

Status: On Council Agenda - Consent Calendar
Committee: Contracts
Primary Sponsor: Mary Woolridge

22. O-36-02-08 AN ORDINANCE AMENDING CHAPTERS 2 AND 5 OF THE LAND DEVELOPMENT CODE AS RECOMMENDED BY THE LOUISVILLE METRO PLANNING COMMISSION TO ADD REGULATIONS AND ASSOCIATED REFERENCE LANGUAGE TO FACILITATE THE INCORPORATION OF CONSERVATION SUBDIVISION REGULATIONS INTO LOUISVILLE METRO'S SUBDIVISION REGULATIONS, CHAPTER 7 OF THE LAND DEVELOPMENT CODE.(CASE NOS. 9815 AND 9816).

Status: On Council Agenda - Consent Calendar
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

23. R-45-03-08 A RESOLUTION PURSUANT TO ORDINANCES 126 AND 127, SERIES 2007, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED NEW CONTRACT – CLASSICKLE, INC. - \$200,000.00.

Status: On Council Agenda - Consent Calendar
Committee: Contracts

Primary Sponsor: Mary Woolridge

Item 24 moved to Old Business.

25. O-47-03-08 AN ORDINANCE CLOSING SECTIONS OF THREE (3) SEPARATE RIGHTS-OF-WAY: (1) DAVIES AVENUE FROM ITS SOUTHEASTERN INTERSECTION WITH 6TH STREET RUNNING 150 FEET SOUTHEASTERLY TO ITS STUB INTO THE TRANE U.S. PROPERTY, CONTAINING 5333 SQUARE FEET; (2) MIX AVENUE FROM ITS SOUTHEASTERN INTERSECTION WITH 6TH STREET RUNNING 150 FEET SOUTHEASTERLY TO ITS STUB INTO THE TRANE U.S. PROPERTY, CONTAINING 7709 SQUARE FEET; (3) AN UNNAMED ALLEY, LOCATED BETWEEN MIX AVENUE AND DAVIES AVENUE, FROM ITS SOUTHEASTERN INTERSECTION WITH 6TH STREET RUNNING 150 FEET SOUTHEASTERLY TO ITS STUB INTO THE TRANE U.S. PROPERTY, 2277 SQUARE FEET, WITH ALL THREE RIGHTS-OF-WAY CONTAINING A CUMULATIVE TOTAL OF 15319 SQUARE FEET AND BEING IN LOUISVILLE METRO (CASE NO. 01-04-06).

Status: On Council Agenda - Consent Calendar

Committee: Planning/Zoning, Land Design & Development

Primary Sponsor: Tom Owen

26. O-46-03-08 AN ORDINANCE CLOSING GLOBAL DISTRIBUTION WAY, A 70-FOOT WIDE PRIVATE ACCESS AND PUBLIC UTILITY EASEMENT, FROM ITS INTERSECTION WITH THE NORTH SIDE OF BURNT PINE WAY, AND RUNNING NORTH 1815.31 FEET, CONTAINING 2.99 ACRES, AND BEING IN LOUISVILLE METRO (CASE NO. 9873).

Status: On Council Agenda - Consent Calendar

Committee: Planning/Zoning, Land Design & Development

Primary Sponsor: Tom Owen

27. O-45-03-08 AN ORDINANCE CLOSING MAYFAIR AVENUE FROM ITS EASTERN INTERSECTION WITH RIVER ROAD, RUNNING NORTHEAST FROM SAID INTERSECTION, THEN LOOPING SOUTHEAST UNTIL TURNING SOUTH AND MEETING WITH DEL HAVEN AVENUE, CONTAINING 37,124.62 SQUARE FEET, AND BEING IN LOUISVILLE METRO (CASE NO. 9579).

Status: On Council Agenda - Consent Calendar

Committee: Planning/Zoning, Land Design & Development

Primary Sponsor: Tom Owen

28. R-40-03-08 A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A GRANT FROM THE KENTUCKY COUNCIL ON CHILD ABUSE INC., IN THE AMOUNT OF \$8,000.00 THROUGH THE DEPARTMENT OF HOUSING AND FAMILY SERVICES FOR SUBSTANCE ABUSE AWARENESS AND LIFE SKILLS DEVELOPMENT.

Status: On Council Agenda - Consent Calendar

Committee: Health & Human Needs

Primary Sponsor: Mary Woolridge

Additional Sponsor: Judy Green

29. R-50-03-08 A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A GRANT FROM THE KENTUCKY COUNCIL ON CHILD ABUSE INC., IN THE AMOUNT OF \$50,000.00 THROUGH THE DEPARTMENT OF HOUSING AND FAMILY SERVICES TO AID FAMILIES WITH CHILDREN WHO ARE ENTERING AND/OR AT RISK OF ENTERING THE CHILD PROTECTION SYSTEM.

Status: On Council Agenda - Consent Calendar

Committee: Health & Human Needs

Primary Sponsor: Mary Woolridge

Additional Sponsor: Judy Green

30. O-42-03-08 AN ORDINANCE APPROPRIATING \$16,500 FROM THE DISTRICT 19 NEIGHBORHOOD DEVELOPMENT FUND THROUGH THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO THE JEFFERSON COUNTY PUBLIC EDUCATION FOUNDATION, INC. FOR ASSISTANCE WITH THE PURCHASE OF PLAYGROUND EQUIPMENT AT STOPHER ELEMENTARY SCHOOL.

Status: On Council Agenda - Consent Calendar
Committee: Appropriations, NDFs and CIFs
Primary Sponsor: Hal Heiner

31. O-33-02-08 AN ORDINANCE APPROPRIATING A TOTAL OF \$6,500 FROM NEIGHBORHOOD DEVELOPMENT FUNDS AS FOLLOWS: \$6,000 FROM DISTRICT 7, AND \$500 FROM DISTRICT 9, THROUGH THE DEPARTMENT OF FINANCE AND ADMINISTRATION, TO THE ST. MATTHEWS AREA MINISTRIES TO CONDUCT A NEEDS ASSESSMENT.

Status: On Council Agenda - Consent Calendar
Committee: Appropriations, NDFs and CIFs
Primary Sponsor:
Kenneth C. Fleming
Tina Ward-Pugh

32. R-41-03-08 A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT ON BEHALF OF THE LOUISVILLE METRO PARKS DEPARTMENT A GRANT FROM THE GOVERNOR'S OFFICE FOR LOCAL DEVELOPMENT IN THE AMOUNT OF \$75,000.00 FOR PARK IMPROVEMENTS IN FARNSLEY PARK.

Status: On Council Agenda - Consent Calendar
Committee: Parks, Libraries, Zoo & Arts
Primary Sponsor: Ellen Call

33. O-44-03-08 AN ORDINANCE APPROPRIATING A TOTAL OF \$7,450.00 WITH \$1,000 FROM THE DISTRICT 14 NEIGHBORHOOD DEVELOPMENT FUND, \$500 FROM DISTRICTS 1, 2, 3, 4, 5, 6, 9, 13, 15, 16, 20, AND 24, \$250 FROM DISTRICT 8 AND \$200 FROM DISTRICT 21, THROUGH THE METRO ECONOMIC DEVELOPMENT DEPARTMENT TO THE KENTUCKIANA REGIONAL PLANNING AND DEVELOPMENT AGENCY (KIPDA) FOR THE 2008 KENTUCKY MUNICIPAL CLERKS ASSOCIATION STATEWIDE SPRING CONFERENCE.

Status: On Council Agenda - Consent Calendar
Committee: Appropriations, NDFs and CIFs
Primary Sponsor:
Barbara Shanklin
Cheri Bryant Hamilton
Dan Johnson
David Tandy
George Unseld
Judy Green
Kelly Downard
Madonna Flood
Marianne Butler
Mary C. Woolridge
Robert Henderson
Stuart Benson
Tina Ward-Pugh
Tom Owen
Vicki Welch

PRESIDENT KING: Thank you Madam Clerk. May I have a motion for approval?

COUNCILMAN ENGEL: So moved.

COUNCILMAN PEDEN: Second.

PRESIDENT KING: Thank you CM Heiner. The Consent Calendar has been properly moved and seconded and calls for a roll call vote. Madam Clerk, please open the voting.

Voting Result : Consent Calendar

JUDY GREEN: YES
BARBARA SHANKLIN: EXCUSED ABSENCE
MARY WOOLRIDGE: YES
DAVID TANDY: YES
CHERI HAMILTON: YES
GEORGE UNSELD: YES
KEN FLEMING: YES
TOM OWEN: YES
TINA WARD-PUGH: YES
PRESIDENT JIM KING: YES
KEVIN KRAMER: YES
RICK BLACKWELL: YES
VICKI WELCH: YES
BOB HENDERSON: YES
MARIANNE BUTLER: YES
KELLY DOWNARD: YES
GLEN STUCKEL: YES
JULIE RAQUE ADAMS: YES
HAL HEINER: YES
STUART BENSON: YES
DAN JOHNSON: YES
ROBIN ENGEL: EXCUSED ABSENCE
JAMES PEDEN: YES
MADONNA FLOOD: EXCUSED ABSENCE
DOUG HAWKINS: YES
ELLEN CALL: NOT VOTING

CLERK: There were 22 yes votes and one not voting; Council members Shanklin, Engel, Flood and Call.

PRESIDENT KING: **The Consent Calendar passes.**

OLD BUSINESS:

PRESIDENT KING: The next item of business is Old Business. Madam Clerk, a reading of Item 24.

24. O-43-03-08 AN ORDINANCE GRANTING A TELECOMMUNICATIONS SERVICES FRANCHISE TO ZAYO BANDWIDTH, INC. PURSUANT TO SECTION 116.70 ET SEQ. OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES [LMCO.

Status: On Council Agenda - Consent Calendar
Committee: Transportation/Public Works
Primary Sponsor: Jim King
Additional Sponsor: Kevin Kramer

COUNCILWOMAN WOOLRIDGE: Motion to approve.
COUNCILMAN TANDY: Second.

PRESIDENT KING: This item has been properly moved and seconded. Is there any discussion?
Councilman Tandy.

COUNCILMAN TANDY: Thank you, President King, I have requested this item be moved to old business to allow me to record my abstention.

PRESIDENT KING: Very good. Madam clerk is this an ordinance?

CLERK HERRON: Yes sir.

PRESIDENT KING: Is there any further discussion? Hearing none, Councilman Kramer.

COUNCILMAN KRAMER: I did push my request to speak although it took me a long time to find it. Actually, I think I may have pushed on 23. I just, in committee I had asked to be added as a sponsor and I wanted to make sure that that happened.

PRESIDENT KING: Madame Clerk, will you add Councilman Kramer as a sponsor?

CLERK HERRON: It is noted under additional sponsors.

COUNCILMAN KRAMER: The one I am calling up is not showing my name, but as long as I am listed as sponsor, I am okay.

PRESIDENT KING: this is an ordinance calling for a roll call vote. Madam Clerk, please open the voting.

Voting Result : Item 24

JUDY GREEN: YES
BARBARA SHANKLIN: EXCUSED ABSENCE
MARY WOOLRIDGE: YES
DAVID TANDY: ABSTAIN
CHERI HAMILTON: YES
GEORGE UNSELD: YES
KEN FLEMING: YES
TOM OWEN: YES
TINA WARD-PUGH: YES
PRESIDENT JIM KING: YES
KEVIN KRAMER: YES
RICK BLACKWELL: YES
VICKI WELCH: YES
BOB HENDERSON: YES
MARIANNE BUTLER: YES
KELLY DOWNARD: YES
GLEN STUCKEL: YES
JULIE RAQUE ADAMS: YES
HAL HEINER: YES
STUART BENSON: YES
DAN JOHNSON: YES
ROBIN ENGEL: EXCUSED ABSENCE
JAMES PEDEN: YES
MADONNA FLOOD: EXCUSED ABSENCE

DOUG HAWKINS: YES
ELLEN CALL: NOT VOTING

CLERK HERRON: There are 21 yes votes, ONE abstention from Councilman Tandy and 4 NOT VOTING; council members Shanklin, Engel Flood, and Call.

PRESIDENT KING: **The ordinance passes.**

Madam Clerk a reading of Item 34.

34. R-49-03-08 A RESOLUTION AMENDING THE LOUISVILLE METRO COUNCIL POLICIES AND PROCEDURES PERTAINING TO NEIGHBORHOOD DEVELOPMENT FUNDS AND CAPITAL INFRASTRUCTURE FUNDS (As Amended).

Status: On Council Agenda - Old Business
Committee: Rules, Ethics, & Appointments
Primary Sponsor: Dan Johnson

COUNCILWOMAN WOOLRIDGE: Motion to approve:
COUNCILWOMAN WARD-PUGH: Second.

PRESIDENT KING: This item has been properly moved and seconded. Is there any discussion?
Councilman Fleming?

COUNCILMAN FLEMING: Thank you Mr. President. First of all I wanted to make a clarification in the paper today that says this is an ordinance prohibiting NDFs of metro council members from being carried over from one year to the next. This has nothing to do with what we are talking about today. We have received several phone calls. What we are doing as far as carrying things over will still continue so I want to make sure that that's in place and we are talking about something totally different. In fact, what we are talking about is more codifying of rules and what we have been doing all along. We are basically putting this in the rules and what I will talk about first is what we have amended, and I will make that motion and then, Mr. President, if you come back to me I will tell you what other things have been changed but there is more of -- a procedural change. The only thing a committee admitted is in terms of looking at good standing, when you go through and submit, an application is submitted we go through a check procedure and such and several of those things include, right now, there are three of them, the Kentucky Secretary of State. The Louisville Metro Revenue Commission and then the Louisville Metro departments and agencies who also have grants with non-profit organizations. We added two of them. One was Internal Revenue Service, which we always check and the other was Human Relations Commission, which we sort of quasi checked but we want to codify. That's the amendment I want to put forth to the council. So I move that amendment.

COUNCILMAN JOHNSON: Second.

PRESIDENT KING: I have a motion and a second. Is there any further discussion? Hearing none, this is an amendment calling for a voice vote. I am sorry, Councilwoman Hamilton.

COUNCILWOMAN HAMILTON: This amendment was discussion in committee or is this something that you just putting it forth tonight?

COUNCILMAN FLEMING: This was discussed in committee.

PRESIDENT KING: This is a committee recommended amendment.
COUNCILMAN FLEMING: Yes it is.

COUNCILWOMAN WOOLRIDGE: I would like to ask Councilman Fleming, I mean, he added Internal Revenue Service and Human Relations Commission, but are we saying these folks have to be in good standing with every one of these entities, Kentucky State, secretary, and all five or six of them listed here? That's my question?

PRESIDENT KING: Councilman Fleming would you like to address that.

COUNCILMAN FLEMING: Yes, they have to qualify and be in good standing with each one. It's not either or.

PRESIDENT KING: Councilwoman Hamilton.

COUNCILWOMAN HAMILTON: We have had this discussion before in appropriations committee in the past couple of years about the IRS and I believe there are some organizations that are smaller that don't have to meet that threshold. What does that do to them, Mr. President?

PRESIDENT KING: Councilman Fleming would you like to address that.

COUNCILMAN FLEMING: If they aren't required to go through that, then it's a mute point but the other four will apply.

COUNCILWOMAN HAMILTON: Thank you.

PRESIDENT KING: Further discussion.

COUNCILWOMAN WOOLRIDGE: I will be brief, I mean, the amendment, I guess my question is the need for this, have we run into some type of road block that calls us to add these additional agencies for people to be in good standing with?

PRESIDENT KING: Does anyone want to address that.

COUNCILMAN FLEMING: I think it's more a matter of being prudent with our procedures and clarifying any avenues that are out there that might show up that an organization may not be in good standing with these institutions. I think it's more of a procedure of making sure that no, that there is nothing under any particular rock. It's nothing to prohibit anybody. We are just trying to clarify some of these. In fact, the Human Relations came from the administration to include this and I think just through our dealings we want to include the IRS and the cooperation between the administration and the committee to put those two together.

COUNCILWOMAN WOOLRIDGE: Thank you.

PRESIDENT KING: Councilman Johnson, were you seeking recognition?

COUNCILMAN JOHNSON: Yes, the reason I introduced this was because of committee attendance at the appropriations meeting by people who had any item on the appropriations agenda that was above \$5,000 that they should be YES to speak or send their aide to speak and that's what this is mostly about.

COUNCILWOMAN HAMILTON: Thank you, Mr. President, because that's the way I remembered the discussions all of the discussions I heard on this was to get attendance of a council person or their assistant to speak to an item over \$5,000, and I just think we probably need to have a little more discussion on the other two items that we are adding to this. So if it goes, as it is right now, I would have to vote no.

PRESIDENT KING: Councilman Fleming.

COUNCILMAN FLEMING: Thank you, Mr. President. What you are referring to with Councilman Johnson and Councilwoman Hamilton. That is part of the next step. If the council approves this amendment, then there is other things that I was going to articulate some of the changes. What Councilman Johnson pertained to in terms of having someone from the office either Councilman or person come before the committee and explain the appropriations and such. So that's part of the discussion, but I was just making -- I made this amendment or moved this to add these two items and once again, it's cooperation between the administration and the council. It's not to trick any organization up, I just think it's a more

thorough process to make sure that that organizations do have good standings in those particular facilities or entities.

PRESIDENT KING: Councilman Johnson.

COUNCILMAN JOHNSON: Having been on appropriations or budget almost since the council started, that's already been done. All of these checks have already been made. The only thing we are doing is codifying it by putting the IRS in it so that, I mean, how many people, I mean, I have had things Wilder Park, for instance, last year had to be in good standing with IRS before we could approve their money. There has been a lot more than me that have been certain entities that we have tried to give money to that weren't in good standing. That's helping you as a couple because if you gave money to these people and they weren't in good standing with these organizations, you could actually be somewhat in trouble or look bad upon because you gave them money when they were bad. So I think it ought to be that way.

PRESIDENT KING: Councilman Henderson.

COUNCILMAN HENDERSON: All I was asking about is as long as there is somebody, it doesn't have to be the legislative aide as long as there is somebody in the committee to explain something, that's all that's necessary, isn't it?

COUNCILMAN FLEMING: That's right, Councilman Henderson. It could be somebody from the office, the council person or their designee. I could ask you to speak on my behalf. But that's correct.

PRESIDENT KING: Is there a limit on the amount of time someone can YES?

PRESIDENT KING: Councilwoman Hamilton, did you seek recognition?

COUNCILWOMAN HAMILTON: I know what I was going to say. Just to Councilman Johnson's point that I don't believe anything would have gotten out of the clerk's office and gotten to the agenda for the committee to consider if there were questions or problems, I know our financial analysts, you know, is very sharp on catching anything, so, you know, I just think they do their jobs and I rely on that.

PRESIDENT KING: Thank you. Councilman Johnson.

COUNCILMAN JOHNSON: The only thing I was interested in was committee attendance when I did this. What they have done is codify it and that's what they have been doing. It's not a change.

PRESIDENT KING: Is there any further discussion? Councilwoman Woolridge?

COUNCILWOMAN WOOLRIDGE: Mr. President, thank you. There is so much discussion, and especially for me in my mind of additional requirements, Internal Revenue Service and Human Relations Commission. I really would like to see this go back to committee so we can have further discussion on it. I mean, I don't know how an appropriation chair can feel about, but it seems like there has been enough discussion on the floor tonight that we probably need to discuss is additionally in the committee. Thank you.

PRESIDENT KING: Councilman Fleming.

COUNCILMAN FLEMING: Thank you, Mr. President. If that's the will of the council, so be it. All we are doing is codifying what already exists. That's all we are doing and if you want to sit there and send it back to committee, I would be more than happy to entertain it in the rules. We can talk about it, but we will be talking about the same thing. If you want to send it back, if that is the will of the council so be it, but once again, all we are doing is doing what we have been doing all along and as Councilman Johnson put it, we are codifying the rules. That is all we are doing.

COUNCILWOMAN HAMILTON: Right before in section 1 right before section 2 under the finance section, you know, I see other add-ons that you haven't talked about. That's all.

PRESIDENT KING: Councilman Fleming.

COUNCILMAN FLEMING: All we are talking about is the amendment here. I will -- if we vote on this amendment, the other two items, then it's my request through the chair to come back and talk about the rest of the amendments and we will talk about that and then we can vote on the full resolution. All we are talking is the amendment of the two items because the resolution came to us with changes that were done, and so what the committee did was add these two amendments based on what we were doing already, and added because those were not included when it was originally presented to the committee. We are talking about those items now. And if we pass that, great, if we don't pass it, so be it, but it will come back to the original resolution, which I will go through and cover those particular issues.

PRESIDENT KING: That's correct, we only have before us your proposed amendment. Is there any other discussion on the amendment? We can deal with the merits on the entire ordinance or resolution after the hearing none, this is an amendment calling for a voice vote. All in favor say aye.

AYES: Most

Opposed: CW Woolridge.

PRESIDENT KING: In the opinion of the chair, the ayes have it. And the amendment passes or the amendment is approved. We now have the amended version before us. Is there any further discussion? Councilman Fleming.

COUNCILMAN FLEMING: Thank you, Mr. President. There are, once again, what I stated earlier, we are basically codifying through this language in here. So basically the first change, and it's sprinkled throughout this document, is inserting NDF's and CIF's in front of the word committee. So you will see that sprinkled throughout the document. That's the first thing. The second change is in regards to the good standing, which we just discussed through the amendment. The third change is -- let's see, make sure I got this, it's under section -- I have E on mine. It's under -- it's more of a technical change. We changed budget office to the finance and administration department. I think that might have been made somewhere else as well. Same thing with section D, NDFs, CIFs, same thing with section E, but if you get under the section 1, you will go under and look at the appropriations NDFs and CIFs were inserted in there as well as what Councilman Johnson mentioned a few minutes ago. The original requestor or their designee, and it could be designee from the Councilman must be YES to discuss requests of \$5,000 or more. That's the third change. The fourth change is under section two once again. NDFs and CIF language, and also the original requester or their designee must be YES to discuss the requests of \$5,000 or more. The next change is under, it looks like 2A, the guidelines to expand or transfer funds from CIF, and basically what we are looking at doing is -- I will read the whole, beginning July, this is not being changed. This is what it is, sorry, Mr. President. We are just having free flow conversation here.

PRESIDENT KING: That's all right. As long as you are making progress.

COUNCILMAN FLEMING: This has not been changed and I will insert or make comment when it does change. Beginning July 1, 2005 council member submits a request form to the appropriations, this is new, NDF's and CIF's, now, back to the original language, committee for consideration before any funds from the fiscal year 2006 and all future year capital budgets can be expanded and this is new language. *If required in the budget ordinance, continued with the new language, if not required in the budget ordinance, only funds that are not specifically identified in the budget ordinance must be presented to the Appropriations NDF and CIF committees*, fiscal year 2004, fiscal year 2005 CIF must be reallocated to other projects through a budget ordinance amendment. That's the other change. The next change is striking the eligible organization grants requirements. That language is in the NDF section, and we thought it was redundant and didn't need to be in the CIF's. Under document requirements, once again, there is words missing with NDF's and CIF's, continue on, let's see, under it looks like administration and monitoring. Once again, there was language as far as the original requester and their designee, NDF's and CIF's, also under finance, this is new language, it says *establishes the budget for the project and forwards information to the council and affected department*. That's already being done. We are codifying that. The next one is the department and agency. This is a *request finance to prepare a budget adjustment to move remaining funds to the appropriate district capital projects or the republican pooled capital accounts*. If you remember, the republicans pool their accounts together and on the Democrats you all have your individuals. And the last one is the finance. It's the new section there for finance, and it says *prepares budget adjustment moving remaining funds to the appropriate district capital products or*

republican pool capital projects and provides notification of the budget adjustment to the council. And that concludes the changes.

PRESIDENT KING: Those were in the ordinance that was filed with the committee.

COUNCILMAN FLEMING: Yes, sir, that's correct.

PRESIDENT KING: Is there any further discussion? Hearing none, this is a resolution calling for a voice vote all in favor say aye.

SOME: AYE

All those opposed.

COUNCILWOMAN WOOLRIDGE: No.

PRESIDENT KING: Ayes have it. **The resolution as amended passes.**

Madame Clerk, would you cause the record to reflect that Councilwoman Call is present?

CLERK: So noted.

PRESIDENT KING: Madam Clerk, a reading of Item 35.

35. R-48-03-08 A RESOLUTION OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AUTHORIZING THE EXECUTION OF A MEMORANDUM OF AGREEMENT BY AND BETWEEN THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AND UNIVERSITY OF LOUISVILLE FOUNDATION, INC. RELATING TO AN INDUSTRIAL BUILDING PROJECT UNDERTAKING THE ISSUANCE OF INDUSTRIAL BUILDING REVENUE BONDS AT THE APPROPRIATE TIME TO FINANCE THE PROJECT; AND TAKING OTHER PRELIMINARY ACTION.

Status: On Council Agenda - Old Business

Committee: Labor & Economic Development

Primary Sponsor: David Tandy

COUNCILWOMAN WOOLRIDGE: So moved.

COUNCILWOMAN GREEN: Second.

PRESIDENT KING: This item has been properly moved and seconded. Is there any discussion? Councilman Tandy?

This resolution came before the Labor and Economic development committee, and it came out of committee with four folks in favor and with one voting against this resolution. And I would encourage this passage.

PRESIDENT KING: Thank you any further discussion? Hearing none, pardon me.

COUNCILMAN OWEN: Are we on item 35?

PRESIDENT KING: Yes.

COUNCILMAN OWEN: Regarding the plaza.

PRESIDENT KING: All of the numbers are off tonight.

CLERK: It's the University of Louisville Foundation, item 35.

COUNCILMAN OWEN: No, in committee, I didn't abstain on that one, so.

PRESIDENT KING: Councilwoman Tandy, did you say museum plaza.

COUNCILMAN TANDY: I did. This is a part of the project.

PRESIDENT KING: With respect to their operation of museum plaza.

COUNCILMAN TANDY: Right.

PRESIDENT KING: Any further discussion? Hearing none, this is a resolution calling for a voice vote. All in favor say aye
ALL: ayes

Opposed? The ayes have it. **The resolution passes.** Madam Clerk, a reading of Item 36.

36. R-51-03-08 A RESOLUTION APPROVING THE APPLICATION OF PHENIX LOUISVILLE, LP FOR INDUSTRIAL BUILDING REVENUE BOND FINANCING OF AN INDUSTRIAL BUILDING PROJECT; UNDERTAKING THE ISSUANCE OF INDUSTRIAL BUILDING REVENUE BONDS TO FINANCE THE PROJECT AND TAKING OTHER PRELIMINARY ACTION. (AS AMENDED)

Status: On Council Agenda - Old Business
Committee: Labor & Economic Development
Primary Sponsor: George Unseld

COUNCILWOMAN WOOLRIDGE: Motion to approve.
COUNCILMAN TANDY: Second.

PRESIDENT KING: This item has been properly moved and seconded. Is there any discussion?
Councilman Tandy?

COUNCILMAN TANDY: Thank you Mr. President. This resolution before us was amended in committee and it was amended where -- it was the third whereas clause was amended to read the Metro government designates the boundaries of the downtown business district for the purposes of KRS 103.200(N) shall be the area bounded by the urban services taxing district and then subsequent amendments were made throughout the ordinance as presented on our or as reflected in the record to correspond with that amendment, and I would move that amendment at this time.

PRESIDENT KING: Is there a second?
COUNCILWOMAN HAMILTON: Second.

PRESIDENT KING: The amendment has been properly moved and seconded. Is there any further discussion? Hearing none, this is an amendment calling for a voice vote.

All in favor say aye.
ALL : AYE
All those opposed?
The ayes have it. **The committee amendment is approved.** Is there any further discussion,
Councilman Tandy.

COUNCILMAN TANDY: Thank you, Mr. President. A couple of points I did want to bring out that were discussed in the -- during the committee and then I will also defer to Councilman Unseld who is the primary sponsor of this resolution, but there were -- the first thing was that there have been concerns expressed about -- since this is a public private partnership as it relates to the public stance on this that the city received ample local participation as it relates to the work force and the contractors participating in this project with regard to women, minority and disabled business entity participation in the project as well as the payment of prevailing wage with regard to this particular project. In the committee meeting itself, it was expressed by the developers of the project that they would, they would take certain actions to try to meet the various points that were laid out and that those, that those points would be fully expressed in an agreement that would be signed between the city and the developers, and would be subject to our review once this item comes back to us again for final passage in the form of an ordinance to actually issue these particular bonds, but I did want to raise those issues for the colleagues who weren't YES at the committee meeting.

PRESIDENT KING: Councilman Tandy. Councilman Owen, are you seeking recognition?

COUNCILMAN OWEN: I am, indeed, Mr. President and colleagues. I will need to abstain on this item and on the next item. I am a majority holder of interest in a company that is involved in hopefully

developing student related housing, not university housing in much the same area as this project is, and so there is a concern about a possible perceived conflict of interest and so I will be abstaining. I will provide a great deal more detail in the next item.

PRESIDENT KING: Thank you, any further discussion? Hearing none, this is a resolution normally calling for a voice vote, but in order to record the abstention, I would ask the clerk to open the voting. Voting is closing.

PRESIDENT KING: Thank you. The voting is closed.

Voting Result : Item 36

JUDY GREEN: YES
BARBARA SHANKLIN: EXCUSED ABSENCE
MARY WOOLRIDGE: YES
DAVID TANDY: ABSTAIN
CHERI HAMILTON: YES
GEORGE UNSELD: YES
KEN FLEMING: YES
TOM OWEN: **ABSTAIN**
TINA WARD-PUGH: YES
PRESIDENT JIM KING: YES
KEVIN KRAMER: YES
RICK BLACKWELL: YES
VICKI WELCH: YES
BOB HENDERSON: YES
MARIANNE BUTLER: YES
KELLY DOWNARD: YES
GLEN STUCKEL: YES
JULIE RAQUE ADAMS: YES
HAL HEINER: YES
STUART BENSON: YES
DAN JOHNSON: YES
ROBIN ENGEL: EXCUSED ABSENCE
JAMES PEDEN: YES
MADONNA FLOOD: EXCUSED ABSENCE
DOUG HAWKINS: YES
ELLEN CALL: YES

CLERK HERRON: There are 22 yes votes, one abstention from Councilman Owen, three not voting, council members Shanklin, Engel and Flood.

PRESIDENT KING: **The resolution as amended passes.**
Madam Clerk a reading of Item 37.

37.O-48-03-08 AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE ISSUANCE OF BUILDING OR DEMOLITION PERMITS, CONDITIONAL USE PERMITS, OR CERTIFICATES OF OCCUPANCY; AND THE APPROVAL OF ZONING CHANGES WITHIN A DESIGNATED AREA KNOWN AS THE SOUTH THIRD AND SOUTH FOURTH STREETS CORRIDOR REDEVELOPMENT AREA.(AS AMENDED)

Status: On Council Agenda - Old Business
Committee: Labor & Economic Development
Primary Sponsor: Marianne Butler
Additional Sponsor: George Unseld

COUNCILWOMAN WOOLRIDGE: Motion to approve.
COUNCILMAN TANDY: Second.

PRESIDENT KING: This item has been properly moved and seconded. Is there any discussion?

Councilman Tandy? :

COUNCILMAN TANDY: Thank you, Mr. President. This ordinance is here on old business because it came out of, well, there was an abstention in the committee as Councilman Owen previously stated, but in addition to that it was also amended in section 7 or, excuse me, section 5 of the ordinance to read that the moratorium imposed should be effective immediately upon the effective date of this ordinance and shall remain until the earlier of April 1st, 2009 or completion of the corridor redevelopment and action plan unless repealed or extended and I move that amendment.

COUNCILWOMAN BUTLER: Second.

PRESIDENT KING: Amendment has been moved and seconded. Any further discussion on the amendment? Hearing none, this is an amendment calling for a voice vote. All in favor say aye,.

SOME: AYE

All those opposed?

SOME: NO

PRESIDENT KING: Madame Clerk, would you open the voting and let's record that vote.

CLERK HERRON: Sure.

Voting Result: Amendment to Item 37

JUDY GREEN: YES

BARBARA SHANKLIN: EXCUSED ABSENCE

MARY WOOLRIDGE: YES

DAVID TANDY: ABSTAIN

CHERI HAMILTON: YES

GEORGE UNSELD: YES

KEN FLEMING: NO

TOM OWEN: **ABSTAIN**

TINA WARD-PUGH: YES

PRESIDENT JIM KING: YES

KEVIN KRAMER: NO

RICK BLACKWELL: YES

VICKI WELCH: YES

BOB HENDERSON: YES

MARIANNE BUTLER: YES

KELLY DOWNARD: NO

GLEN STUCKEL: NO

JULIE RAQUE ADAMS: NO

HAL HEINER: YES

STUART BENSON: NO

DAN JOHNSON: YES

ROBIN ENGEL: EXCUSED ABSENCE

JAMES PEDEN: YES

MADONNA FLOOD: EXCUSED ABSENCE

DOUG HAWKINS: NO

ELLEN CALL: NO

CLERK HERRON: There are 14 YES VOTES, 8 NO VOTES from Council members Fleming, Kramer, Downard, Stuckel, Adams, Benson, Hawkins and Call, ONE abstention from Councilman Owen, THREE not voting, Council members Shanklin, Engel and Flood.

PRESIDENT KING: The ayes have it; **the committee amendment is approved.** We have the amended version before us. Is there any further discussion? Councilman Owen.

COUNCILMAN OWEN: My colleagues, my friends, Mr. President and members of the community, I need to be very open, especially in light of some email that we received today suggesting that there may be a direct conflict of interest in the proposed moratorium that is before you. About three years ago my wife and I, daughter and son, formed a corporation, a company, with a goal in mind of seeking to improve and to develop the commercial corridor along Fourth Street and Third Street between U of L and all the way out to Churchill Downs. That's an extensive corridor. Our first purchase in that zone is what you have been, have seen in writing now referred to as the green monster. I am not at all sure how big it is. It's between seven and eight acres. The realtor who wrote you today is unsure as well, and I think it's between seven -- it is a massive industrial site along this corridor. And the vision all along for these last three years and we have had a couple of equity partners who have tried to develop the student housing that we have envisioned on the site, both of those equity partners have stepped away from the project and currently we do not have an equity partner, and frankly are waiting as many projects are for a better market, a better opportunity. So it is true that I am directly involved in the improvement and the development of that commercial corridor. Subsequent to buying the green monster, we have also bought a corner commercial piece of property in the area as well as two smaller bungalows on the opposite side of Fourth Street so my family clearly has been interest in the improvement and development of this corridor. The email that you received quotes an email that my son, who is president of the company, actually sent and distributed to businesses and neighbors in the area, and my son believes strongly that there is a project afoot that would have a deleterious effect on the dream that my family has and obviously many other people have for the improvement and development of that corridor. There is no question about it. The real issue here, of course, is to what extent have I as a council member been involved. My son has met with the councilperson of that district involved. My son has met over the last three years with economic development officials of metro government. My son has been in frequent and regular contact with leadership at the University of Louisville who has a direct interest as you might well imagine, in the improvement and development of that commercial and residential corridor. So my son has been involved in meeting with business associations, with neighborhood associations, and frankly, my two sons, three weeks ago passed out handbills suggesting that there was a proposal afoot that might have a deleterious effect on the improvement and development of this corridor. The only question remains is to what extent has Tom Owen as a council member been involved in seeking to influence metro officials, seeking to influence you, seeking to influence the sponsor of this moratorium resolution, and I can only tell you and this is what all people whose reputation has been impugned say, I can only tell you that I must deny. I have struggled, you can't imagine, I have struggled very, very, very hard to have conversations at the dinner table with my partners and to let those conversations remain conversations at the dinner table. I have sought in no way to influence the sponsorship of this moratorium, nor have a sought in any way to influence local government officials or for that matter the University of Louisville in any position or any direction that they have taken. I guess the moral of this story is can you be involved in business and still be a council member? Because there are going to be inevitable moments just like this where there are conflicts. And I think the only tool we have is our personal integrity and our ability to abstain and so you now know the full story as to why I abstained in committee last Thursday and why I must abstain tonight. I can tell you that I will be glad to answer any questions that any colleague has of me, but that is the story as I understand it. And I am glad to clarify it for the public, for you, my colleagues as well as the citizens of this community.

PRESIDENT KING: Thank you, Councilman Owen. Is there any further discussion, Councilwoman Butler. By the way, excuse me, let me interrupt you. If you all would try to click on item 37 and click in to speak, that would be helpful. Councilwoman Butler.

Councilman Owen left the chamber.

COUNCILWOMAN BUTLER: Thank you, Mr. President. I am not always in favor of moratoriums, but at times I do think they are necessary to take a step back and preserve the integrity of a car door while you are doing a business study. This is an area that natural development has not occurred, and we want it to occur. U of L has spent a great amount of money in sprucing up their property, even going down and doing the new ball field, not only the Papa Johns but also the baseball field, which has cleaned up that

corner. Faulkner came in with the Kroger, which has greatly cleaned up that corner. You talk to people in the neighborhood and they are so happy that development is happening. They want to see it continue to happen. And when I took office last year, that's one of the things that when I met with economic development and administration, I said I would like to see a corridor study here unbeknownst to me that Councilman Owen was a property owner in that area. This was started well before I ever knew that. He never came to me and asked for anything. I have always spoken to his son on this when he called me and I actually met him at a business association meeting that he is a member of like many people are. The neighborhood groups out there are excited about the business plan, Councilman Unseld and I share a neighborhood in that area and I think they are very excited about it. We have some businesses that want to come in there and they want to keep the momentum going and I just think it's prudent of us when we spend in excess of a hundred thousand dollars of a plan to protect the integrity of that area while we are doing the plan and to take a step back rather than to have something detrimental come in in the middle of it. I think it's better to have the full plan, look at it, let the planning commission look at the full plan. That's why we spend money on plans, to follow them. I don't want to see money spent on a plan, see a plan go up on a shelf and nothing happen. We need something to happen in this. It's a main artery to downtown, and I think if we are going to remain economically viable, we have got to do something there. So I urge your support.

PRESIDENT KING: Thank you. Councilman Downard.

COUNCILMAN DOWNARD: Thank you Mr. President. There is just a couple of things and when we got all of this stuff in the mail today, first place, nobody thinks Councilman Owen did anything because we all know him better than that, but the timing on this whole thing causes me problems. We are spending our money, city of Louisville money to attract Plasma Care to the city of Louisville. The money that we give to GLI and the money we give to the economic development department according to the director today, we are spending money to attract them to Louisville and yet we are doing a moratorium to keep them from coming to Louisville. I think the timing on all of this, this \$75,000 plan is, it started in November, but we are doing a moratorium today. That is -- it puts a cloud that says we ought to back off and slow down a little bit, because there is, I mean, there can be appearances and we don't need appearances. I mean, it reflects on all of us. And I was against moratoriums to start with and then I got this thing this afternoon and it causes me a lot of problems because, I mean, I'm sorry we are even talking about it if you want to know the truth. Most of you know I tried to say let's don't do anything at all tonight, but it's confusing to me why we are doing this, and just on the face of the fact that we are spending money to bring them here, spend them money to keep them from coming here and the appearances which appeared in the paper this morning are I think cause me great concern and I ask you to consider those. It reflects on all of us. Thank you, Mr. President.

PRESIDENT KING: Councilman Heiner.

COUNCILMAN HEINER: Thank you, President King. I will be voting no on this item, and I would like my colleague, Councilman Downard, feel like this should go back to committee. I think a yes vote tonight is a vote for a potential lawsuit that I think would amount into the millions of dollars. That's the kind of transaction we are talking about here potentially stopping. I think a good attorney step one in something like this would try to, if this did go to court would be asking the judge to decide is this a legitimate use of government's power to regulate land use and zoning or is there really something else going on here? Step one in that will be depositions for probably a lot of us. I can tell you for myself, when they ask me, you know, I have heard from the highest levels of the administration that this is about one user, that they don't like moratoriums but this is about one user and I have got to tell you because you wouldn't agree to go back to committee that I was told by the administration, this is about this one user. And what judge is going to say that this is government's legitimate use of orderly zoning powers in this area. I think it is a loser. We are talking about a transaction that amounts in the millions of dollars. I don't know how much, but I think we are buying ourselves a potential large loss for this city. When this plan started, if we had gone ahead with a moratorium then, and I'm not saying moratoriums are good ideas, but had we back in October, November, when this planning started said, okay, we want to take a breather in this area, we want to slow things down until this plan is completed, well, that would seem to be an orderly use of government's power. In this case, I have to tell you, the timing is suspect, the use of -- if any of the allegations are correct, the use of staff to find out confidential information on what's going on on the date of the signing of a potential lease is all suspect. I really encourage you to consider sending this back to

committee until we can set will some of these things out. I think we are putting ourselves in a very difficult, you know, in a very difficult position to move forward with this tonight.

PRESIDENT KING: Thank you Councilman Heiner. Councilman Kramer.

COUNCILMAN KRAMER: Thank you, Mr. President. I want to begin by stating as clearly as I possibly can that I have not been approached by any member of family of a councilperson. And that it troubles me that a discussion is before us about a council member's integrity. I know him to be a man of great character. I will just stand by that. So I don't think that his integrity should be an issue here. It certainly is not an issue from my perspective. Having said that, I have to respectfully disagree with that same member of this council whose assertion is what we knew or didn't know. From my perspective, that's really not the issue. The real issue in my mind is that we are being asked to vote for a moratorium that is directed at preventing a specific business from moving into a property, which we have now been informed, will directly affect a member of this council. To suggest that we didn't know before hand is a moot point because we do know now. We know that this moratorium will prevent a specific business from moving into a property and that that business being prevented to move in will have a direct and positive impact on a member of this council. I appreciate that the question has to be asked about, you know, can council members do, you know, be businessmen. While I would like to think that that's possible, I also struggle with a moratorium that's being put into place that's so specifically targeted, regardless of whether or not it's a metro council member who benefits, the fact that a metro council member benefits on top of it adds to the problem, but there is a problem when we target moratoriums in order to prevent specific businesses. All of us know that there are businesses that are own constituents would prefer not to have. We recognize that certain businesses bring certain problems We understand that's what the zoning process is for, but to go in and push for a moratorium specifically for a business, I think, is the most base abuse of moratoriums, and to do that knowing that it benefits a member of this council and to say, well, you know, we didn't know or that wasn't our intent or whatever, the bottom line is sitting here tonight, we have to acknowledge that tonight before we vote, we know that's the case. And having said that, I think at the very least we could do is send this back to committee to give folks a chance to get at the root of this whole thing and my request would be then that we send it back to committee and I would even further that request to ask that we send it back to the same committee that has handled moratorium debates in the past. This one came through a different committee. So rather than send it back to the committee that it came to us from, I would request that we send it back to, I believe it's planning and zoning, which is where moratorium questions are usually handled and this one didn't go through that process. So not only would I like to send it back, I would like to send it back to the committee that normally handles moratoriums. Thank you Mr. President.

PRESIDENT KING: Councilwoman Woolridge.

COUNCILWOMAN WOOLRIDGE: Thank you, Mr. President. Earlier I requested that we would send an item back to committee to no avail. It's really ironic now that we are trying to send this item back to committee. I think Councilman Owen has the highest of integrity. And I have a question, because I see two sponsors on this legislation, I don't know whose district this is in. I heard Councilwoman Butler say that she and George Unseld share a district border here. So I'm trying to find out whose district this is in since both of them are sponsoring this, and I would like to go on, Mr. President, to say, I have always respected the person that represent these areas. That's why we have 26 representatives up here representing our various areas. And some businesses you don't want in your district. Some businesses are very undesirable in your business, in your district, but I think the council people and the two sponsors here whose districts border, I would think they would know what's best for their area. Thank you.

PRESIDENT KING: Thank you, Councilwoman. For the record, I believe Councilwoman Butler it's in your district, just for the record, so you know.

COUNCILWOMAN BUTLER: Yes, sir.

PRESIDENT KING: Councilwoman Ward-Pugh.

COUNCILWOMAN WARD-PUGH: Thank you, Mr. President I just wanted to ask the sponsor, and my colleague from District 15 about the planning process, specifically I don't want to know every detail, but a general outline of what's entailed, a time frame that it might take, and in particular, Mr. President, I would like to know will that plan automatically or necessarily insure that that a particular business won't go in if we are going to talk about that business.

PRESIDENT KING: Councilwoman Butler.

COUNCILWOMAN BUTLER: The plan is a business corridor plan sometimes referred to as the Cool. They are talking to neighbors, they are talking to stakeholders in the district. They are talking to the business associations to come up with a plan to look at as to what will be viable in the neighborhood, what do the neighbors want, that sort of thing. It will not, to my knowledge, restrict anything. It will suggest best uses here or there, within the corridor. We are talking about 200 pieces of property. It's not a large area, but it's an area that deserves attention. It's an area that has been underserved. Councilman Unseld and myself have both given money out of our NDF's to the fourth district police to work Fourth Street and Third Street and they have greatly cleaned up the area between the bicycle patrol and details they have worked. So we still have prostitution and we still have drugs, they are everywhere, but it's not as prevalent as it used to be and I think the neighborhood deserves that. I think they deserve to have the same attention everyone else does, and this is an opportunity to preserve the area until the plan is finished, hopefully this fall. I apologize for just getting this on the agenda, as many of you know I was out in November with a health issue and I just got back after surgery again and I apologize for not getting it on before then but I felt the need to be here to speak to it when I brought it up and I knew I wouldn't be here before then. So I do apologize. I hope this body can move forward and not take a scare tactic email that came to us as credence, and that we could move forward on this and vote for it to preserve this area while we do this business corridor plan.

PRESIDENT KING: Go ahead and respond to that.

COUNCILWOMAN WARD-PUGH: As a follow-up, the question is there is no guarantee that this plan will halt a project or a deal or a proposal that's out there.

COUNCILWOMAN BUTLER: Not to my knowledge.

COUNCILWOMAN WARD-PUGH: Okay. Thank you, Mr. President.

PRESIDENT KING: Councilman Heiner I'm not sure if your name came back up or not. Were you seeking recognition?

COUNCILMAN HEINER: No, I wasn't.

COUNCILMAN BLACKWELL: Thank you, Mr. President. I am trying to clarify a few things in my mind here. First of all, Councilman Heiner, my understanding, well, I know since I have been in office that the administration has generally not been in favor of moratoriums. In fact when they have come up they have spoken against moratoriums so it's kind of a rare thing for them to be in favor, I mean not that they haven't ever, but it's fairly rare that they are speaking in favor of the moratoriums from what I remember, what I recall in the past discussions, and they are, as I understand it, I think, in favor of this. What Councilman Heiner said about, I guess what he said about it being about one specific business, I have not heard that from anyone in the administration nor from the sponsor. And so I'm concerned, part of me is concerned when I hear the issues going around. Obviously I'm concerned about that. I don't want us to ever look like there is a cloud of suspicion, but I also am concerned that we start off by saying that we see our colleague as being one who has the highest integrity, but what we are relying on is an email that clearly does not suggest that our colleague basically has any integrity whatsoever. The email that we have gotten and that people are referring to isn't just a matter of disagreement, it is clearly attacking our colleague's integrity. So I'm a little -- I am perplexed when it comes to this one, frankly. The moratorium doesn't seem to kill business, but if you wait, you know, and you allow whatever to come in, and I don't know what all businesses may be even in the process of coming in, but it does seem like the moratorium doesn't necessarily kill a business plan, but that the lack of a moratorium could certainly kill the neighborhood plan, it seems to me, so. Any way, I have listened to other colleagues as well. I'm just perplexed on it and not sure where I am at with it at this point.

PRESIDENT KING: Councilman Johnson.

COUNCILMAN JOHNSON: I think certain council members that have alluded to this as being a thing that we might get sued over and inviting a lawsuit is wrong for that Councilman to do. They are not sitting here as judges on this issue. They are sitting here to vote whether they are for it or not and I am going to support this as I have done moratoriums in my neighborhood before and I don't like the politics that's been put into it.

PRESIDENT KING: Councilman Kramer.

COUNCILMAN KRAMER: Thank you, Mr. President. I have two comments. The first is, and I'm not asking Mr. Blackwell directly, I will ask through the president, if he will direct my question to district 12, and I have to -- I just wonder if asked by an attorney if we would be willing to say that no member of this council specifically referred to this as an effort to prevent a specific business. I am not being asked that by an attorney and I don't want to implicate anyone, and I will say, again, Councilman Owen has done nothing to cause me to question his integrity so if anybody is interpreting this in any way as a suggestion by me that this is somehow inappropriate from district 8 let me say again you are plainly misunderstanding. However, there are members of this council who in conversations with me directly have said specifically this will prevent a business by name so if I'm asked by an attorney if that in fact happened, I will not say anything other than the truth and if the attorney follows that with the question, who, then I'm forced to deal with that as well. Now, I want to make it clear, because, again, the suggestion is somehow I'm saying one thing and slamming him with the other, that's not true. Councilman Owen and I did not have one single conversation about this until five minutes before the meeting tonight and it was only after this information came to light that I approached him, and I will go on record, I approached him. This is not about the Councilman from district 8, it absolutely isn't. Having said that, I want to go back to the point that I struggle with again, and another council member tonight just this evening, Mr. President, suggested that the councilperson in each district should basically have the ability to determine which businesses we want in our district and which ones we should prevent. I find that to be incredibly troubling. I point out that this is precisely what we should avoid and it's the reason we should avoid moratoriums whenever possible. Council members should not and I can't emphasize strongly enough, council members should not be the final say about what is appropriate or inappropriate in terms of businesses in this community, and if we leave it to council members to decide what goes into their districts, then we turn the whole process into all about politics and making sure that you have satisfied one council person, one. We have a planning commission, we have a process in place. There are efforts to make sure that businesses get a fair deal, a legitimate hearing and to reduce it to where one council member gets to decide which businesses go into their district I think is an incredible injustice and that's the reason that so many of us struggle so mightily against moratoriums in general. Although there may be an occasion for some of us who disagree with moratoriums in principle are willing to say this is an exceptional situation. This points to the fact that we shouldn't do moratoriums in the first place. Thank you, Mr. President.

PRESIDENT KING: Councilman Blackwell.

COUNCILMAN BLACKWELL: I want to respond to that since the question was asked through you. I do appreciate that Councilman Kramer would be willing to tell the truth in deposition. I would hope that all of us would be in that situation, and I would say if I were asked by that same lawyer or any other lawyer that I would say with just as much truthfulness that I have not been approached by anyone from the administration or any council member who has said to me that this moratorium was about one business. We can say, if we are in the lawsuit, we can say at the time of deposition we just gave ours.

PRESIDENT KING: Councilwoman Hamilton.

COUNCILWOMAN HAMILTON: I feel in a bit of a quandary because when I spoke to the sponsor I had to cut her off because I was doing something else and I didn't get the full parameters of what's involved here tonight. And hearing the discussion, it's given me a little pause and it doesn't have anything to do with Councilman Owen, but it has to do with a business that was coming under the assumption of I guess proper zoning, and everything else, and I don't even know what the business is, but hearing that about October, and I don't know when the corridor plan began or when that application was in, and I just have a few more questions that makes it seem like I really want to step back for a minute and look at it. But if it does seem that it was to deny one particular business, then when I look at the ordinance here and it's talking about the ways for a person injuriously affected or aggrieved by this action, I guess you would say by the granting of the exemption. They would have to apply for one exemption from the moratorium. And if they did not get that, there is a whole process that they would have to go through and I would suspect that even though they go through the code enforcement, BOZA and all of that that it may wind up in court. I don't know, but that's the kind of questions that I would like to have addressed during another venue, or

either some attorney now. I don't know if that's appropriate. But the other thing, if it does go back to committee and it does go to zoning of which Councilman Owen is the chair and Councilman Stuckel as vice chair would have to chair.

COUNCILWOMAN ADAMS: That would be terrible.

PRESIDENT KING: I'm sorry, Councilman Benson.

COUNCILMAN BENSON: Thank you, Mr. President. We are governed by laws, not emotions. There has been several times on this council we have voted on things that I thought were wrong. I voted against them, and it came passed that we were wrong. As a citizen in our community, I think it's very important that we always try to make sure that we look, you know this is nothing about Councilman Owen. This is about is there something that doesn't look right? And to me I will have to vote no because I think there is a little problem, and we will find out if we vote for it and there is a lawsuit, we will find out. So far we are not doing so well on some of our lawsuits so maybe we need to find out how we are going to do.

PRESIDENT KING: Councilwoman Woolridge, were you seeking recognition?

COUNCILWOMAN WOOLRIDGE: I will be brief because one of my colleagues twisted what I said and I could not let that stand. I still strongly support the representative of these 26 districts. A number of them do not want certain housing in their districts, so I think the people that represent these districts know what is best, and yes, I did say we don't want some of these undesirable businesses in our district. I have some in mine. I mean, there is nothing I can do about them, but they are there and I don't think we should let other undesirable businesses in our district if we don't want them there. So I don't want my colleague to twist what I said and seemingly that has been going on allot with some of my colleagues twisting my words. I don't appreciate it. And I want anyone that twists my words to know this. Okay. Thank you, Mr. President.

PRESIDENT KING: Thank you, Councilwoman Woolridge. Councilman Unsel.

COUNCILMAN UNSEL: Mr. President, I'm not going to twist anybody's words. As a council member, I was elected to represent the constituents in my district. As a council member, I give and receive feedback from the members who live in my district. When issues come up, many times they give me their opinions and I get both sides of it. I think as a council member, I have to weigh those opinions look at them and try to make the best decisions for what I think that the district may want. In my area, there are several social service agencies. I have the Fourth Street corridor in my district as well as Councilwoman Butler has said we put time and effort with the police to try to clean up those areas crime has been reduced. The bottom line to me, a moratorium doesn't kill an entity, it slows it down. It slows those down that we know and those that are unknown. At the end of the cycle, at the ending date whenever the moratorium is up and when the plan has been laid out, whatever that plan may be, all incidents that want to do business to build, to destroy or take down or whatever would have an opportunity to do those things. Are we saying just kill it outright? Are we saying just wait and see? Bring it back, the plan has been worked on, it's been laid out. People are putting their time in on it. Let's get it done. Give us time to do that, and then bring everybody back to the table to decide what's best for that area.

PRESIDENT KING: Councilman Downard.

COUNCILMAN DOWNARD: I make a motion we remand this back to planning and zoning committee.

COUNCILMAN PEDEN: Second.

PRESIDENT KING: I have a motion and second that this be referred back to planning and zoning committee. Is there any further discussion on that motion. Hearing none, Madame Clerk, I'm sure this will be a close vote, so I would just as soon you open up the voting on a roll call.

Voting Results: Motion to send to Planning and Zoning

JUDY GREEN: NO

BARBARA SHANKLIN: EXCUSED ABSENCE

MARY WOOLRIDGE: NO

DAVID TANDY: NO

CHERI HAMILTON: YES
GEORGE UNSELD: NO
KEN FLEMING: YES
TOM OWEN: NOT VOTING
TINA WARD-PUGH: NO
PRESIDENT JIM KING: NO
KEVIN KRAMER: YES
RICK BLACKWELL: NO
VICKI WELCH: NO
BOB HENDERSON: NO
MARIANNE BUTLER: NO
KELLY DOWNARD: YES
GLEN STUCKEL: YES
JULIE RAQUE ADAMS: YES
HAL HEINER: YES
STUART BENSON: YES
DAN JOHNSON: NO
ROBIN ENGEL: EXCUSED ABSENCE
JAMES PEDEN: YES
MADONNA FLOOD: EXCUSED ABSENCE
DOUG HAWKINS: YES
ELLEN CALL: YES

CLERK: There are 11 yes votes, 11 no votes. Four not voting.
PRESIDENT KING: **The motion fails.**

CLERK HERRON: Eleven, eleven, correct.

PRESIDENT KING: Is there any further discussion? I have Councilman Stuckel.

COUNCILMAN STUCKEL: I don't sit on the committee that heard this, but I did watch on TV, and with a lot of interest because I am in the home building business, and in that committee hearing, we had testimony from both the development and the real estate community that said that when you have moratoriums that the owners of the properties, the residential owners of the properties are negatively affected during that period. In other moratorium type things that have come before us in planning and zoning, there are alternate methods to slow down the development in that area through category 3 reviews, and if anything is objectionable from a business or from a residential standpoint, they are just not permitted, but it doesn't keep an owner who is in that area from redoing their kitchen or finishing their basement or doing anything else that might require permitting where you have electrical or plumbing or anything, which doesn't affect the outside area and I think in some of the cases, Councilwoman Ward-Pugh or probably even Owen where there is a lot of concern if you are going to drastically change the appearance or character of the neighborhood, that can be addressed during that category 3, and I personally because of the business I'm in would be against moratoriums, but when you have another method to do the same thing without having the stigma that comes with moratoriums, and there is once you sort a pass and go over that threshold, a lot of people are going to be wanting to do the same thing and it's going to be hard for us as a council to say no, but I think that we use the category 3, Councilwoman Cheri Bryant Hamilton used it and I think it worked very well back there. So when we talk about sending it back to the committee, I think that's one of the things that was suggested, that we would come back with a different method that wasn't offensive, and I will be voting the amendment or the proposal to send it back failed, but I will be voting against the moratorium.

PRESIDENT KING: Thank you, Councilman Fleming.

COUNCILMAN FLEMING: Let me waive my time now.

PRESIDENT KING: I will consider it waived, thank you. Someone else will use it. Councilman Heiner.

COUNCILMAN HEINER: President King, I actually have a question for county attorney Bill O'Brien if that would be appropriate, I would love for him to join us for a moment.

PRESIDENT KING: As long as the question is germane and in order. County attorney O'Brien would you identify yourself for the record and allow Councilman.

WILLIAM O'BRIEN: William O'Brien Jefferson County attorney's office.

COUNCILMAN HEINER: Mr. O'Brien, I was told directly by, as I mentioned earlier, top-level administration official that this is directed at one business. Others I have been told from other council member and I think we have heard from one councilman here on the floor and I have heard from others that they were told exactly the same thing, that it's targeted for one business. Go with me for just a second that that's the case. If a court determines that that was the case, that the timing of it, circumstances, whatever, they just decide this is targeted at one business, and on the line is, say, \$2 million in rent payments and the tenant has left, what is the likelihood of metro government just prevailing in that suit? In other words, saying that we have the right to target something like this for one business and prevent that transaction?

: Well, are you sure you don't teach at "U" of L".

COUNCILMAN HEINER: Engineering school.

WILLIAM O'BRIEN: I think the core issue comes down to is assuming everything that's been stated is true is the reason for it. As an example, a tire business wants to move into somebody's district. Not Marianne Butler's district, but the councilperson, not the councilperson, the administration does not want a tire business situated there. You know, it comes back to the reason why. Do they not want it there because someone is paying that paying the administration or the administration is going to -- if the administration is going to proceed, and I'm talking about individuals now, a direct economic benefit.

COUNCILMAN HEINER: I'm talking about a case where the administration decides they don't want.

WILLIAM O'BRIEN That type of business.

COUNCILMAN HEINER: They don't want a tire business on that corner. And they know that there is a lease ready to be signed any day, in fact they called to find out if it was going to be signed any day and proposed a moratorium. Let's say that's the case, the judge decides that and that transaction falls apart. Are we pretty secure? Are you feeling secure about a case like that? I mean, you are the best we have.

WILLIAM O'BRIEN: I am going to have 500 emails tomorrow saying I'm wrong, 600 saying I'm right and the only person that could tell is the judge. I believe that if the motivation, i.e., the business, not the individual, I want to differentiate that that's why I'm using the tire business, if they are against a certain type of business being in a certain type of area because they have or want to have something else to help, now, all of these are assuming that there is no benefit other than the good of the community then I think I will win in the end. I may have to go to the Supreme Court, Councilman Benson, but in the end, if the motivation is the good of the community and they are not picking out an individual, but a business. I mean, we take a look at where hospitals could be situated. We take a look on certificate of need. We talk about where specific junk yards, what type of zone they could be allowed in. We have changed zoning regulations to bring about to where certain businesses can't be in certain areas. So assuming that the motivation, which you seem to think is not motivated upon anything other than what is the good for the community, I think that we would win. The other alternative you have got to remember is whatever business, and, of course, we have the business people here now, and I'm not asking you to go out and file, but they could go out and file a declaration of rights. They could file for injunction tomorrow if they feel like they are being mistreated. They can immediately proceed to court. And the issue then is not -- I mean, I can't sit on my rights for ten years and say, hey, by the way, pay up, you know. You need to proceed. And if they feel that this has been anything other than desire for good government, then they should get to court right away.

COUNCILMAN HEINER: Thank you.

PRESIDENT KING: Thank you, Councilwoman Adams.

COUNCILWOMAN ADAMS: Thank you, Mr. President, I will be brief. In my district I think I sponsored one of the largest city funded corridor studies, the Hurstbourne Lane Corridor studies-- but that's one of those times that -- and I even communicated this to Councilwoman Butler that we had such competing interests between residential and businesses because all of the residents wanted to see, you know, the number of businesses that were going into that area halt because it was increasing traffic, it was increasing crime, it was increasing pollution, everything else. And it was one of those times where I thought, I struggled with it. I'm like, you know, I would love to do something like this. I would love to protect my neighborhoods and the people that I represent, but could you imagine the outcry if I had proposed a moratorium for the Shelbyville Road Hurstbourne Parkway corridor. Why is it okay to do that in one part of town, but it would be the outcry would be so great in another part? I think that not all of our situations are the same, but we all struggle with those competing interests. We all struggle with, you know, what's right for our neighborhoods, and I think at the end of the day, maybe we should pursue what Councilman Stuckel talked about is something less dramatic and we could go with like a category 3 or something that I think is a compromise between businesses, economic development, and the good people that we represent.

PRESIDENT KING: Thank you. Councilman Blackwell.

COUNCILMAN BLACKWELL: Thank you, Mr. President. I want to go on record as saying that I am sick of hearing Councilwoman Raque-Adams talk about it. (Laughter) I did have a serious thing to say and that is the second part of what she said about exploring a compromise and trying to come up with some way that we can all feel better about how to move forward with this. I think that's a good idea and a noble cause. I had voted earlier about sending it back to committee, but I would like to suggest now that we just table this and in fact I'm going to move that we table this, and then that will give us some time, at least two weeks for us to explore Councilman Stuckel's other concepts or any other concepts that may be out there that will be more of a compromise in nature.

COUNCILWOMAN WARD-PUGH: Second.

PRESIDENT KING: I will take that as a motion to postpone to a date certain, which would be the next meeting.

COUNCILMAN BLACKWELL: Exactly.

PRESIDENT KING: Okay. Are there any discussion? Excuse me, I won't take any discussion on motion to postpone. We will take a vote on that. All those in favor of postponing to the next meeting this ordinance say aye.

ALL: AYE

Opposed? None.

The ayes have it. **This item is postponed to the next meeting.** Madam Clerk a reading of item 38.

38. O-28-02-08 AN ORDINANCE CHANGING THE ZONING FROM R-1 SINGLE-FAMILY RESIDENTIAL TO R-6 MULTI-FAMILY RESIDENTIAL ON PROPERTY LOCATED AT 600 ENGLISH STATION WAY, CONTAINING A TOTAL OF 42.98 ACRES, AND BEING IN LOUISVILLE METRO (CASE NO. 8940)(AS AMENDED).

Status: On Council Agenda - Old Business

Committee: Planning/Zoning, Land Design & Development

Primary Sponsor: Tom Owen

COUNCILWOMAN WOOLRIDGE: Motion to approve:

COUNCILMAN TANDY: Second.

PRESIDENT KING: This item has been properly moved and seconded. Is there any discussion? Councilman Owen has rejoined us in the chamber.

COUNCILMAN OWEN: Yes, this is an item that has been in committee for several seasons. It is a proposal that involves a goodly amount of density on a large track. It's the old Different Strokes Golf course and golf range, you know where we are talking about, off of South English Station Road. Some of

the buildings are three stories, the buildings are three stories tall. There has been a goodly amount of discussion in committee. At one of our meetings, we suggested that there be, that the county attorney's office have a meeting with the developer and out of that meeting and further discussion in the committee, there were generated additional binding elements. One was related to the proposed improvement of traffic flow off of the Snyder onto Shelbyville Road, and then soon thereafter its approach to South English Station Road. And so there was a binding element that you see colleagues, that was added, and basically it allows that if the state does not proceed with that traffic improvement, then it comes back to the Metro works and the planning commission. There was concern about water pressure in the area, existing newer subdivisions do not have adequate water supply. The testimony was given, and so the developer agreed to provide a site for a booster station and to work closely with the water company in improving water pressure in the area. And then finally, the most complex binding element at all, and I'm sure Mr. Heiner will want to elaborate on this, because of the significant density on this site at the Different Strokes site, the same developer is doing the Signature Point condos just to the south off of South English Station and adjacent to the Snyder. So a binding element was ultimately proposed in which the developer agrees to reduce the density at Signature Point, by 157 units, and there is a complex method for codifying that agreement, and then that would allow the Heartland Hills proposal to proceed as amended and there is a final binding element where the developer agrees to provide a fence for the Christian Academy site. So these are, these two condos and apartment developments are adjacent to Christian Academy, the new one is on the north. And so it's a complex arrangement that has been worked out, but colleagues and Mr. President, I move the amendments, the committee amendments that were generated.

COUNCILMAN STUCKEL; Second.

PRESIDENT KING: I have a motion and second on that amendment. Is there any further discussion on the amendment?

COUNCILMAN OWEN: Did we get a second?

PRESIDENT KING: I got a second also. Hearing no further discussions, this is an amendment calling for a voice vote. All those in all in favor say aye,. [

ALL: AYE

All those opposed. NONE The ayes have it. **The committee amendment is approved.**

We have the amended version before us. Is there any further discussion. Councilman Heiner would you like to be recognized?

COUNCILMAN HEINER: President King, this is an interesting case. It surely tested the limits of density remote from retail in your district and also in an area that some days has backups at the Shelbyville I-265 interchange greater than a mile long. There was heavy reliance on planned improvements by the state this fall, and so we went into negotiation for some additional binding elements and one modified binding element and I have to tell you, the procedures that were adopted I believe last year at the planning and zoning committee where both the developer and interested parties from the public hearing would get together along with the representative from the county attorney's office and work through some of these items really bore some fruit in this case. I'm a real strong proponent of those new procedures. Any way, we have, I think, made important improvements and improvements along the lines of some planning commission members actually voiced during the public hearing. The most interesting one is a reduction in 157 units from either this development or an affiliated development just maybe some 300 yards away. But in any event, to reduce some of the traffic pressure on English Station Road and Shelbyville Road and with that I will be supporting this rezoning.

PRESIDENT KING: Thank you Councilman Heiner. Is there any further discussion? Hearing none, this is an ordinance. Pardon me, Councilman Johnson.

COUNCILMAN JOHNSON: I have received information from several subdivisions out there that there is low water pressure and nothing has been done about it and for that reason I will vote against this.

PRESIDENT KING: Thank you. Is there any further discussion? Hearing none, this is an ordinance calling for a roll call vote. Madame Clerk, please open the voting.

Voting Result: Item 38

JUDY GREEN: YES
BARBARA SHANKLIN: EXCUSED ABSENCE
MARY WOOLRIDGE: NO
DAVID TANDY: YES
CHERI HAMILTON: NOT VOTING
GEORGE UNSELD: YES
KEN FLEMING: YES
TOM OWEN: YES
TINA WARD-PUGH: YES
PRESIDENT JIM KING: YES
KEVIN KRAMER: YES
RICK BLACKWELL: YES
VICKI WELCH: YES
BOB HENDERSON: YES
MARIANNE BUTLER: YES
KELLY DOWNARD: YES
GLEN STUCKEL: YES
JULIE RAQUE ADAMS: NOT VOTING
HAL HEINER: YES
STUART BENSON: NO
DAN JOHNSON: NO
ROBIN ENGEL: EXCUSED ABSENCE
JAMES PEDEN: YES
MADONNA FLOOD: EXCUSED ABSENCE
DOUG HAWKINS: YES
ELLEN CALL: YES

CLERK: There are 18 yes votes, three no votes from council members Woolridge, Benson and Johnson and five not voting, Shanklin, Hamilton, Adams, Engel, and Flood.

PRESIDENT KING: Thank you. **The ordinance as amended passes.**

COUNCILMAN HEINER: Just a point of privilege just in case anyone watching felt like the water pressure situation wasn't dealt with, there was testimony at the public hearing from the water company saying that before these units will be built, a booster pumping station will be completed and the applicants have offered the land for the booster pumping station if it's necessary for the water company. So that issue was understood to be a serious issue and it is being addressed as part of this case. I just wanted anyone watching to understand that their concerns have not been forgotten.

PRESIDENT KING: Thank you. Madam Clerk, a reading of item 39.

39. O-37-02-08 AN ORDINANCE CHANGING THE ZONING FROM R-4 SINGLE-FAMILY RESIDENTIAL TO R-5A MULTI-FAMILY RESIDENTIAL, ON PROPERTY LOCATED AT 14319 OLD HENRY ROAD, CONTAINING A TOTAL OF 5.03 ACRES, AND BEING IN LOUISVILLE METRO (CASE NO. 9102).

Status: On Council Agenda - Old Business
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

COUNCILWOMAN WOOLRIDGE: Motion to approve.
COUNCILMAN HEINER: Second.

PRESIDENT KING: This item has been properly moved and seconded. Is there any discussion?
Councilman Owen?

COUNCILMAN OWEN: : Thank you, Mr. President, I'm telling you 14319 Old Henry Road doesn't mean much to you but you will know it because of the double 90 degree turn on Old Henry east of the Snyder. As the road narrows down into two lanes, you hit those double 90 degree turns. That's the site. It's the site in the deep creek valley adjacent on the bank of and includes the deep creek valley there on that curve. There are a lot of cedar trees and some of them are going to be going in this proposal, but it's a proposal for six attached dwelling units, one of the major issues that was heard in the planning commission was the mitigation of creek bank because there is going to be some improvement on the east side of the creek bank while some of the units will be on the west side of the creek bank, so there was testimony received that planning commission was satisfied with that. There was a goodly amount of discussion in committee. It came out of committee with a vote that was unanimous, six yes and none opposed and it's in Mr. Heiner's district also and I'm sure he may want to comment.

PRESIDENT KING: Councilman Heiner, would you like to address this?

COUNCILMAN HEINER: Yes, President King. This site, the majority or close to it of the site is actually in a preservation area. We have approached the site in a very sensitive manner and I will be supporting this proposal.

PRESIDENT KING: Thank you is there any further discussion? Hearing none this is an ordinance calling for a roll call vote. Madame Clerk, please open the voting.

Voting Result: Item 39

JUDY GREEN: YES

BARBARA SHANKLIN: EXCUSED ABSENCE

MARY WOOLRIDGE: ABSTAIN

DAVID TANDY: YES

CHERI HAMILTON: YES

GEORGE UNSELD: YES

KEN FLEMING: YES

TOM OWEN: YES

TINA WARD-PUGH: YES

PRESIDENT JIM KING: YES

KEVIN KRAMER: YES

RICK BLACKWELL: YES

VICKI WELCH: YES

BOB HENDERSON: YES

MARIANNE BUTLER: YES

KELLY DOWNARD: YES

GLEN STUCKEL: YES

JULIE RAQUE ADAMS: NOT VOTING

HAL HEINER: YES

STUART BENSON: YES

DAN JOHNSON: NO

ROBIN ENGEL: EXCUSED ABSENCE

JAMES PEDEN: YES

MADONNA FLOOD: EXCUSED ABSENCE

DOUG HAWKINS: YES

ELLEN CALL: YES

CLERK HERRON: There are 20 yes votes, one no vote from Councilman Johnson, one abstention from Councilwoman Woolridge and four not voting council members Shanklin, Adams, Engel and Flood.

PRESIDENT KING: **The ordinance passes.** Madam Clerk, a reading of item 40.

40. O-39-02-08 AN ORDINANCE CHANGING THE ZONING FROM R-7 MULTI-FAMILY RESIDENTIAL AND C-2 COMMERCIAL TO C-1 COMMERCIAL ON TRACT 1, CONTAINING 2.02 ACRES, AND FROM R-7 MULTI-FAMILY RESIDENTIAL TO OR-1 OFFICE RESIDENTIAL

ON TRACT 2, CONTAINING 0.91 ACRES, ON PROPERTY LOCATED AT 7920 WOODCREST DRIVE AND 4400 OUTER LOOP, CONTAINING A TOTAL OF 2.93 ACRES, AND BEING IN LOUISVILLE METRO (CASE NO. 8581).

Status: On Council Agenda - Old Business
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

COUNCILWOMAN WELCH: Motion to approve.
COUNCILWOMAN WOOLRIDGE: Second.

PRESIDENT KING: This item has been properly moved and seconded. Is there any discussion?
Councilman Owen?

COUNCILMAN OWEN: Yes very quickly, Mr. President. This is on the Outer Loop. It's just opposite Noltemeyer Wynde near the Tumbleweed. The New Age Gift Whop will come down two units. The Wood Crest Apartments will come down. There will be a unit in the rear and that's why you see the OR-1 zoning for the rear portion of the site and a Walgreen's goes on the front. So it's a significant redevelopment of both residential and commercial property there on the Outer Loop, almost three acres of land involved. There is an access through the site for the single apartment and perhaps future office use to the rear and this is this Councilwoman Flood's district and she is on the committee and was one of the six votes that favored it, and though she is not here with us, I know in spirit she is supporting this project.

PRESIDENT KING: Thank you Councilwoman Owen.

Is there any further discussion? Hearing none, this is an ordinance calling for a roll call vote. Madam Clerk, please open the voting.

Voting Result: Item 40

JUDY GREEN: YES
BARBARA SHANKLIN: EXCUSED ABSENCE
MARY WOOLRIDGE: YES
DAVID TANDY: YES
CHERI HAMILTON: YES
GEORGE UNSELD: YES
KEN FLEMING: YES
TOM OWEN: YES
TINA WARD-PUGH: YES
PRESIDENT JIM KING: YES
KEVIN KRAMER: YES
RICK BLACKWELL: YES
VICKI WELCH: YES
BOB HENDERSON: YES
MARIANNE BUTLER: YES
KELLY DOWNARD: YES
GLEN STUCKEL: YES
JULIE RAQUE ADAMS: NOT VOTING
HAL HEINER: YES
STUART BENSON: YES
DAN JOHNSON: YES
ROBIN ENGEL: EXCUSED ABSENCE
JAMES PEDEN: YES
MADONNA FLOOD: EXCUSED ABSENCE
DOUG HAWKINS: YES
ELLEN CALL: YES

CLERK HERRON: There are 22 yes votes and four not voting, council members Shanklin, Adams, Engel and Flood.

PRESIDENT KING: **The ordinance passes.** Madam Clerk a reading of Item 41.

41. O-50-03-08 AN ORDINANCE AMENDING CHAPTER 4, PART 2 OF THE LAND DEVELOPMENT CODE TO CREATE A CONDITIONAL USE PERMIT FOR OUTDOOR ALCOHOL SALES AND CONSUMPTION FOR RESTAURANTS LOCATED WITHIN THE C-1 COMMERCIAL ZONING DISTRICT (CASE NO. 10414).

Status: On Council Agenda - Old Business
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor:
Tom Owen
Jim King

COUNCILWOMAN WOOLRIDGE: Motion to approve.
COUNCILWOMAN WELCH: Second.

PRESIDENT KING: This item has been properly moved and seconded. Is there any discussion?

Councilman Owen?

COUNCILMAN OWEN: Well simply to say the Planning Commission and Metro planning and design was working on how to deal with the abundance of applications we have had for rezoning to rezone a portion of a site or a whole site to C-2 solely to allow for the possibility of patio dining where alcohol could be sold, and this proposal makes a C-1 zone eligible for that with a conditional use permit. And so this is an attempt to become very site specific. If the conditions that are laid down within the conditional use permit are not followed, there is too much noise when outdoor music or outdoor amplification is prohibited or restricted in some way, all of these kinds of concerns that go with a conditional use site, then the use can be revoked. And so it is very site specific. And if that use continues, it can, and everybody obeys the rules, it can continue, but it can be revoked. So the committee felt after a goodly amount of discussion that this was a better way to go than a wholesale up zoning of a specific property just to allow outdoor dining with alcohol.

PRESIDENT KING: Thank you for the explanation. There any further discussion? Hearing none, this is an ordinance calling for a roll call vote. Madame Clerk, please open the voting.

Voting Result: Item 41

JUDY GREEN: YES
BARBARA SHANKLIN: EXCUSED ABSENCE
MARY WOOLRIDGE: NO
DAVID TANDY: YES
CHERI HAMILTON: YES
GEORGE UNSELD: YES
KEN FLEMING: YES
TOM OWEN: YES
TINA WARD-PUGH: YES
PRESIDENT JIM KING: YES
KEVIN KRAMER: YES
RICK BLACKWELL: YES
VICKI WELCH: YES
BOB HENDERSON: YES
MARIANNE BUTLER: YES
KELLY DOWNARD: YES
GLEN STUCKEL: YES
JULIE RAQUE ADAMS: NOT VOTING

HAL HEINER: YES
STUART BENSON: YES
DAN JOHNSON: YES
ROBIN ENGEL: EXCUSED ABSENCE
JAMES PEDEN: YES
MADONNA FLOOD: EXCUSED ABSENCE
DOUG HAWKINS: NO
ELLEN CALL: YES

CLERK HERRON: There are 20 yes votes two no votes from council members Woolridge and Hawkins, and four not voting, Shanklin, Adams, Engel and Flood.

PRESIDENT KING: **The ordinance passes.**

NEW BUSINESS:

PRESIDENT KING: The next item of business is New Business.
New business comprises items 42 through 65 if I have my numbers correct, Madame Clerk, a reading of those items and assignments to committee, please.

42. R-53-03-08 A RESOLUTION AUTHORIZING THE MAYOR AND THE ECONOMIC DEVELOPMENT DEPARTMENT TO APPLY TO THE COMMONWEALTH OF KENTUCKY FOR AN ECONOMIC DEVELOPMENT BOND GRANT FOR BENEFIT OF PHARMERICA CORPORATION IN THE AMOUNT OF \$200,000 AND TO ACCEPT SAID GRANT IF AWARDED.

Status: On Council Agenda - New Business
Committee: Labor & Economic Development
Primary Sponsor: David Tandy

43. R-52-03-08 A RESOLUTION PURSUANT TO ORDINANCES 126 AND 127, SERIES 2007, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED NEW CONTRACT – TETRA TECH, INC. - \$200,000.00.

Status: On Council Agenda - New Business
Committee: Contracts
Primary Sponsor: Mary Woolridge

44. O-51-03-08 AN ORDINANCE REPEALING SECTION 155.03 OF THE LOUISVILLE METRO CODE OF ORDINANCES (LMCO) RELATING TO POLITICAL SIGNS.

Status: On Council Agenda - New Business
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Jim King

45. R-54-03-08 A RESOLUTION PURSUANT TO ORDINANCES 126 AND 127, SERIES 2007, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NEW CONTRACT - (MEDICAL SOCIETY PROFESSIONAL SERVICES, INC - \$50,000.00).

Status: On Council Agenda - New Business
Committee: Contracts
Primary Sponsor: Vicki Welch

46. O-52-03-08 AN ORDINANCE RATIFYING AND APPROVING A COLLECTIVE BARGAINING AGREEMENT (MARCH 13, 2008 JUNE 30, 2010) RELATING TO WAGES, BENEFITS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT BETWEEN LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AND TEAMSTERS LOCAL UNION NO. 783, AN AFFILIATE OF THE

INTERNATIONAL BROTHERHOOD OF TEAMSTERS CONCERNING CERTAIN EMPLOYEES OF LOUISVILLE EMA/METROSAFE.

Status: On Council Agenda - New Business
Committee: Labor & Economic Development
Primary Sponsor: David Tandy

47.R-55-03-08 A RESOLUTION PURSUANT TO ORDINANCES 126 AND 127, SERIES 2007, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT – (VIVIEN BETANCES-KEANE - \$75,000.00).

Status: On Council Agenda - New Business
Committee: Contracts
Primary Sponsor: Mary Woolridge

48.R-56-03-08 A RESOLUTION PURSUANT TO ORDINANCES 126 AND 127, SERIES 2007, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED NEW CONTRACT – KOVERT HAWKINS ARCHITECTS, INC. - \$200,000.00.

Status: On Council Agenda - New Business
Committee: Contracts
Primary Sponsor: Mary Woolridge

49.O-53-03-08 AN ORDINANCE APPROPRIATING A TOTAL OF \$11,875 FROM THE FOLLOWING NEIGHBORHOOD DEVELOPMENT FUNDS: \$9,375 FROM DISTRICT 15, \$1,000 FROM DISTRICT 25 AND \$1,500 FROM DISTRICT 13, THROUGH THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO THE SOUTH LOUISVILLE COMMUNITY MINISTRIES, INC. FOR EXPENSES RELATED TO THE MEALS ON WHEELS PROGRAM.

Status: On Council Agenda - New Business
Committee: Appropriations, NDFs and CIFs
Primary Sponsor:
Marianne Butler
Doug Hawkins
Vicki Welch

50.R-57-03-08 A RESOLUTION REQUESTING AND URGING METRO PARKS TO DELAY UNTIL SEPTEMBER 1, 2008, IMPLEMENTATION OF ITS NEW PLAN TO BILL SPORTS LEAGUES USING PARK FACILITIES FOR ELECTRICAL USAGE.

Status: On Council Agenda - New Business
Committee: Parks, Libraries, Zoo & Arts
Primary Sponsor: James Peden
Additional Sponsor: Julie Raque Adams

51.O-54-03-08 AN ORDINANCE APPROPRIATING A TOTAL OF \$6600 FROM NEIGHBORHOOD DEVELOPMENT FUNDS AS FOLLOWS: \$1,000 EACH FROM DISTRICTS 6 AND 5; \$500 EACH FROM DISTRICTS 1, 3, 4, 12, 13, 14, AND 23; \$300 EACH FROM DISTRICTS 8 AND 10; AND \$250 EACH FROM DISTRICTS 2 AND 25, THROUGH THE DEPARTMENT OF FINANCE AND ADMINISTRATION, TO THE SLICE OF LOUISVILLE, INC., FOR OPERATING EXPENSES OF ITS SIXTH ANNUAL WEST LOUISVILLE KENTUCKY DERBY FESTIVAL ACTIVITY.

Status: On Council Agenda - New Business
Committee: Appropriations, NDFs and CIFs
Primary Sponsor:

Barbara Shanklin
Cheri Bryant Hamilton
David Tandy
Doug Hawkins
George Unseld
James Peden
Jim King
Judy Green
Mary C. Woolridge
Rick Blackwell
Robert Henderson
Tom Owen
Vicki Welch

52.O-55-03-08 AN ORDINANCE AMENDING AND READOPTING ORDINANCE 294, SERIES 2007 RELATING TO THE DISBURSEMENT OF THE MUSEUM PLAZA BOND.

Status: On Council Agenda - New Business
Committee: Budget
Primary Sponsor:
Kelly Downard
Doug Hawkins
Additional Sponsor: Dan Johnson

53.O-56-03-08 AN ORDINANCE AMENDING CHAPTER 97 OF THE LOUISVILLE/JEFFERSON CODE OF ORDINANCES (LMCO) RELATED TO STREETS AND SIDEWALKS AND AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO DWELLINGS.

Status: On Council Agenda - New Business
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: James Peden

54.O-57-03-08 AN ORDINANCE AMENDING ORDINANCE NO. 127, SERIES 2007, RELATING TO THE FISCAL YEAR 2007-08 OPERATING BUDGET FOR THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AND ORDINANCE NO. 126, SERIES 2007, RELATING TO THE FISCAL YEAR 2007-08 CAPITAL BUDGET FOR THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT, BY TRANSFERRING \$20,000 IN FUNDS FROM THE CAPITAL CUMULATIVE RESERVE FUND FOR CAPITAL INFRASTRUCTURE FUND PROJECTS RELATED TO METRO COUNCIL DISTRICT 6 TO THE GENERAL FUND NEIGHBORHOOD DEVELOPMENT FUND FOR METRO COUNCIL DISTRICT 6.

Status: On Council Agenda - New Business
Committee: Budget
Primary Sponsor: George Unseld

55.O-58-03-08 AN ORDINANCE AMENDING ORDINANCE NO. 115 SERIES 2003, ORDINANCE NO. 98 SERIES 2005, ORDINANCE NO. 112 SERIES 2006, AND ORDINANCE NO. 126 SERIES 2007, RELATING TO THE FISCAL YEAR 2003-04, 2005-06, 2006-07, AND 2007-08 CAPITAL BUDGETS FOR THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT BY TRANSFERRING \$27,000 OF CAPITAL CUMULATIVE RESERVE FUND BETWEEN CAPITAL PROJECTS.

Status: On Council Agenda - New Business
Committee: Budget
Primary Sponsor: Ellen Call

56.O-59-03-08 AN ORDINANCE CLOSING A 30-FOOT WIDE BY 130-FOOT LONG, UNIMPROVED SECTION OF LYTLE STREET LOCATED IN THE CITY OF LOUISVILLE METRO IN THE BLOCK

BOUNDED BY PORTLAND AVENUE, N. 26TH STREET, BANK STREET, AND N. 24TH STREET, CONTAINING .09 ACRES, AS MORE PARTICULARLY DESCRIBED BY THE ATTACHED LEGAL DESCRIPTION AND PLAT (CASE NO. 8985).

Status: On Council Agenda - New Business
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

57.O-60-03-08 AN ORDINANCE CLOSING A SECTION OF MADELLE AVENUE FROM ITS INTERSECTION WITH PENRUTH AVENUE, RUNNING SOUTHWEST FROM SAID INTERSECTION FOR 304.99 FEET, CONTAINING .420 ACRES, AND BEING IN LOUISVILLE METRO (DOCKET NO. 1-47-00).

Status: On Council Agenda - New Business
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

58.O-61-03-08 AN ORDINANCE CHANGING THE NAME OF THE EXISTING STREET KAYAK DRIVE, FROM ITS INTERSECTION WITH WINDY WILLOW DRIVE AND RUNNING SOUTHWESTWARD UNTIL IT MEETS FALLING SPRINGS DRIVE, TO FALLING SPRINGS DRIVE; AND SAID ROAD BEING LOCATED IN LOUISVILLE METRO (CASE NO. 10443).

Status: On Council Agenda - New Business
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

59.O-62-03-08 AN ORDINANCE CHANGING THE NAME OF TWO ROADS LOCATED WHOLLY WITHIN THE CLEARWATER FARM APARTMENTS: (1) FERN VALLEY WAY, SOUTH OF ITS INTERSECTION WITH FERN VALLEY ROAD TO ITS TERMINUS WITHIN THE CLEARWATER FARM APARTMENT COMPLEX, TO GREY VISTA WAY; AND (2) POPULAR PARK BOULEVARD, BETWEEN ITS INTERSECTION WITH FERN VALLEY ROAD AND ITS INTERSECTION WITH SHEPHERDSVILLE ROAD, TO CLEARWATER BOULEVARD; AND SAID ROADS BEING IN LOUISVILLE METRO (CASE NO. 10331).

Status: On Council Agenda - New Business
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

60.R-58-03-08 A RESOLUTION OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AUTHORIZING THE EXECUTION OF A MEMORANDUM OF AGREEMENT BY AND BETWEEN THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AND BELLARMINE UNIVERSITY INCORPORATED RELATING TO AN INDUSTRIAL BUILDING PROJECT UNDERTAKING THE ISSUANCE OF TAXABLE AND/OR TAX-EXEMPT COLLEGE REFUNDING AND IMPROVEMENT REVENUE BONDS TO BE ISSUED IN ONE OR MORE SERIES AT THE APPROPRIATE TIME TO FINANCE THE PROJECT; AND TAKING OTHER PRELIMINARY ACTION.

Status: On Council Agenda - New Business
Committee: Labor & Economic Development
Primary Sponsor: Tom Owen

61.O-63-03-08 AN ORDINANCE CLOSING A SECTION OF BRISCOE LANE FROM ITS INTERSECTION WITH BRISCOE RIDGE LANE AND RUNNING EAST UNTIL IT JOINS THE RELOCATED BRISCOE LANE, BUT EXCLUDING FROM CLOSURE A 50' BY 30' SECTION OF PIKEWOOD FIELD WAY THAT TRAVERSES THIS SECTION OF BRISCOE LANE TO BE CLOSED, CONTAINING 24,738 SQUARE FEET, AND BEING IN LOUISVILLE METRO (DOCKET NO. 1-19-04).

Status: On Council Agenda - New Business
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

62.O-64-03-08 AN ORDINANCE APPROPRIATING \$3,333,900 FROM THE POLICE EQUIPMENT REPLACEMENT FUND TO THE PUBLIC WORKS & ASSETS DEPARTMENT FOR THE PURCHASE OF REPLACEMENT VEHICLES AND RELATED EQUIPMENT.

Status: On Council Agenda - New Business
Committee: Budget
Primary Sponsor: Marianne Butler

63.R-59-03-08 A RESOLUTION DETERMINING ONE PARCEL OF REAL PROPERTY LOCATED BETWEEN SECOND AND THIRD STREETS, SOUTH OF RIVER ROAD, LOUISVILLE, KENTUCKY, IN DOWNTOWN LOUISVILLE, KENTUCKY, CONTAINING APPROXIMATELY 27,019 SQUARE FEET, AND DESCRIBED IN EXHIBIT A, HERETO, OWNED BY LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT ("LOUISVILLE METRO"), GOVERNMENTAL SUCCESSOR TO THE CITY OF LOUISVILLE, AS SURPLUS AND NO LONGER NEEDED FOR A GOVERNMENTAL PURPOSE AND AUTHORIZING ITS SALE AND TRANSFER.

Status: On Council Agenda - New Business
Committee: Labor & Economic Development
Primary Sponsor: David Tandy

64.R-60-03-08 A RESOLUTION DETERMINING ONE PARCEL OF REAL PROPERTY LOCATED ON THE SOUTHWEST CORNER OF THIRD STREET AND RIVER ROAD, LOUISVILLE, KENTUCKY, IN DOWNTOWN LOUISVILLE METRO, KENTUCKY, CONTAINING APPROXIMATELY 3,423.77 SQUARE FEET, AND DESCRIBED IN EXHIBIT A, HERETO, OWNED BY LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT ("METRO GOVERNMENT"), GOVERNMENTAL SUCCESSOR TO THE CITY OF LOUISVILLE, AS SURPLUS AND NO LONGER NEEDED FOR A GOVERNMENTAL PURPOSE AND AUTHORIZING ITS SALE AND TRANSFER.

Status: On Council Agenda - New Business
Committee: Labor & Economic Development
Primary Sponsor: David Tandy

65.R-61-03-08 A RESOLUTION OF THE LOUISVILLE/JEFFERSON COUNTY METRO COUNCIL APPROVING THE APPLICATION OF UNIVERSITY RESIDENCES-LOUISVILLE, LLC FOR INDUSTRIAL BUILDING REVENUE BOND FINANCING OF AN INDUSTRIAL BUILDING PROJECT; UNDERTAKING THE ISSUANCE OF INDUSTRIAL BUILDING REVENUE BONDS TO FINANCE THE PROJECT; AND TAKING OTHER PRELIMINARY ACTION.

Status: On Council Agenda - New Business
Committee: Labor & Economic Development
Primary Sponsor: George Unseld

There being no further business, the **March 27, 2008** Regular Louisville Metro Council meeting adjourned without objection on a motion by Councilwoman Ward-Pugh and second by Councilwoman Hamilton at 8:03 PM EDT.

Kathleen J. Herron, Metro Council Clerk

Jim King, Metro Council President

Announcements were made by CW Woolridge, CM Owen, CW Shanklin, CW Flood and CM Blackwell.
